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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 15 June 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit herewith a copy of the letter H.E. Mr. Vladislav Jovanovic, Minister for Foreign Affairs of the Government of the Federal Republic of Yugoslavia, has addressed for the United Nations Secretary-General, concerning ethnic cleansing and genocide committed upon the Serbian population during the recent aggression of the Croatian Army against UNPA Sector West (Western Slavonia). Would you kindly submit it to the members of the Commission.

In this connection, please also find enclosed my letter to Mr. Jose Ayala Lasso, the United Nations High Commissioner for Human Rights, of 5 May 1995.

(Signed): Dr. Vladimir Pavicevic
Ambassador

Letter dated June 1995 from the Minister for Foreign Affairs of Yugoslavia addressed to the Secretary-General of the United Nations

I am writing to draw your attention to the very difficult situation, with tragic consequences for the Serbian civilian population, in UNPA Sector West (Western Slavonia) brought about by the aggression of Croatia against this region, and to point to serious political implications which this act of aggression may have for the future peace process and the role of the United Nations.

By their action against, and the occupation of, the entire territory of UNPA Sector West (Western Slavonia), the armed forces of Croatia, in conjunction with special police units and armed paramilitary groups, violated flagrantly all relevant resolutions and other documents of the United Nations Security Council requesting the parties in conflict to refrain from the use of force and to seek a lasting and just solution to the relations between peoples and newly created States in the territory of the former Yugoslavia by political means. This military action of Croatia constitutes a gross violation of the cease-fire agreement of 29 March 1994. It was done in direct contravention of, and disregard for, all the efforts the international community has made on the basis of the mandate or under the auspices of the United Nations Security Council to maintain peace and commence a negotiating process, aimed at finding an agreed political solution. Not only has Croatia's aggression seriously threatened the security of the United Nations peace force in UNPA Sector West, but has also rendered difficult, even almost impossible, their further peace mission in the newly created conditions.

The principal goal of the armed action of Croatia was to annihilate the Serbian civilian population, terrorize it and complete the ethnic cleansing in Western Slavonia that Croatia began in 1991. The Serbian civilian population was the target of ruthless shelling by Croatian artillery, armour and air force, which cannot be justified by any military reasons. By these acts, Croatia trampled upon each and every provision of the Convention on the Prevention and Punishment of the Crime of Genocide and the Geneva Conventions.

Abundant evidence of these atrocities has been provided by refugee statements given to representatives of humanitarian organizations, press and official authorities of the Federal Republic of Yugoslavia, as well as by numerous eyewitness accounts, reports of church dignitaries and prominent public figures who found themselves in the region at the time of the aggression or visited it immediately after the cessation of armed activities. Among the witnesses are also the representatives of the United Nations, EU and ICRC Missions.

There is evidence that, on 1 and 2 May 1995, the Croatian armed forces committed atrocities by massacring the columns of civilian refugees near Nova Varos and on the road near Okucani, as well as by brutally killing civilians and destroying and looting their property in the villages of Pankovac, Medari, Smrtic, Vrbovljani, Covac, Gredjani and Donji Bogicevci. Similar atrocities were committed in other places where foreign observers were not present.

The statements of your special representative Yasushi Akashi and the initial statements of human rights Special Rapporteur Tadeusz Mazowiecki confirm that mass atrocities against the Serbian civilians were committed in Western Slavonia. Mr. Akashi confirmed the existence of reports on the violation of elementary human rights and brutality against Serbs in Western Slavonia. After his visit to Western Slavonia, Mr. Mazowiecki said that atrocities had been committed, that human rights had been violated, but that information could be only partially verified and that civilians had been murdered which could not be justified by military reasons.

By issuing contradictory statements, Croatian officials in fact refused to reveal the exact number of killed and missing persons. The organizations of Serbs in Croatia are very worried over the fate of between 380 and 1,000 civilians and prisoners who are known to have been captured and taken to an unknown destination. The fate of between 1,000 and 1,200 wounded is also unknown. Humanitarian reasons make it incumbent upon the United Nations and the ICRC to press the Croatian authorities to clarify the fate of these persons.

Despite an almost total information blockade and the restriction of the movement of representatives of international organizations by the Croatian side under various pretexts, foreign media have managed to inform the world public about some of the atrocities and the systematic drive of the Croatian military and civilian authorities to erase the traces of these atrocities by burning the dead, burying them in unmarked mass graves or by washing the streets and roads to remove the evidence. Extensive reports accusing the Croatian side of attempts to cover up the crimes were carried among others by Reuters, AP, The New York Times, CBS and the BBC.

Excellency,

I feel duty-bound to draw your attention to the fact that it is of vital importance for the continuation of the peace mission in this region that the United Nations guarantees the remaining Serbian population the minimum personal safety and respect for their human rights. Since the local population has no confidence in Croatian authorities, it is necessary that UNPA Sector West (Western Slavonia) remains under the protection of the United Nations and that Croatian armed forces withdraw from the occupied areas.

A precondition for resuming the political process of solving the crisis peacefully is also the return of confidence in the United Nations protection mechanism. Disquieting reports about new aggressive actions of the Croatian forces in UNPA Sector South and the attacks against the unprotected villages of Cetina, Vrlika, Crni Lug, Beulje and others, whose population have fled their homes, are a very bad omen of the developments that may ensue in the region and beyond, if a tacit nod of approval is given to aggression.

The first step on the road of rebuilding the confidence would be an effective and thorough United Nations investigation of the atrocities committed against the Serbian civilian population and other categories of persons protected in armed conflicts, members of the Army of the Republic of Serbian Krajina taken prisoner, wounded or sick.

If the atrocities and the responsibility of those who committed and ordered them are not established quickly, it is not to be expected that peace that we all need so much and a serious negotiating process will be re-established soon and that between 12,000 and 17,000 Serbian refugees, who fled Croatian terror and intimidation, will ever return to rejoin their compatriots of a mere 1,200 who still remain in Western Slavonia.

Excellency,

Of particular concern are the attempts to diminish or cover up the atrocities committed against the population of Western Slavonia. In that context, particularly worrisome is the departure of Special Rapporteur Mazowiecki from his initial statements and the allegations of mass atrocities. By retracting his own reports, the Special Rapporteur has displayed a lack of genuine interest in establishing the true facts and the size of atrocities committed against the Serbian civilian population. Nevertheless, the statements and ground reports of the Special Rapporteur provide compelling evidence to the United Nations General Assembly and Commission on Human Rights of the brutality and mass violations of human rights committed by Croatian authorities against the Serbian civilian population during the aggression against UNPA Sector West, which have been confirmed also by other sources, such as United Nations, UNHCR, ICRC and other representatives in the field.

There is no doubt that the passivity of the international community and its failure to prevent the aggression and eliminate its consequences are a cause of great disappointment and loss of confidence of the remaining Serbian population in Western Slavonia and many refugees in the protection and peace mission of the United Nations. The failure to establish the responsibility for, and to punish the perpetrators of, the recent atrocities can only serve to invest the policy of genocide against the Serbian people with a cloak of legality in a region, overshadowed by the memories of the notorious World War Two Jasenovac concentration camp where hundreds of thousands of Serbs, Jews and Romanies were exterminated by the Nazi creation and ally, the Independent State of Croatia.

(Signed): Vladislav Jovanović
Federal Minister
for Foreign Affairs

Letter dated 5 May 1995 from the Ambassador of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the High Commissioner for Human Rights

Upon instruction of my Government, I am addressing you concerning the developments in Western Slavonia, a territory which is under United Nations protection, settled mostly by the Serbian population, where the Croatian Army has committed aggression, grossly violating all the relevant United Nations Security Council decisions, bilateral and multilateral agreements and, what is most dramatic, the fundamental norms of international humanitarian law.

The consequences of this criminal act are already being reflected in hundreds of killed and thousands of wounded or expelled innocent civilians. The columns of refugees, as well as the Serbian settlements, have been shelled by air and artillery forces and, according to the data which are not final yet, over 500 persons have been killed.

By its continuing terror and massacre of the civilian population, Croatia has violated the agreement it had signed on 4 May 1995, on the cessation of military operations and the evacuation of civilian Serbs. It has embarked upon new actions of retaliation against the civilians who are being detained, with women and children being separated from their husbands and fathers who are then taken to unknown destinations. There is no reliable information on their respective fate.

The sufferings of the Serbian population, brought about by the Croatian authorities, are evident this time, evolving before the eyes of the entire international community, the United Nations, as well as many international humanitarian organizations. All the official reports issued so far testify to gross violations of the human rights of the Serbian population, to arbitrary massive murders, terror and looting, aimed at expelling the Serbs from their homesteads, where their ancestors have lived for centuries, and at setting up of an ethnically pure Croatia.

Ethnic cleansing of the area of Western Slavonia, where the Serbs have been the majority population since time immemorial, started in 1991, when the same Croatian authorities evicted the Serbs and entirely ethnically cleansed 10 towns and 183 settlements in the north of Western Slavonia, while expelling almost all the population from 87 villages in the area.

On that occasion, unheard-of crimes against civilians were committed, with over 14,000 of them being murdered and thrown into 89 mass graves.

His Excellency
Jose Ayala LASSO
United Nations High Commissioner
for Human Rights
Geneva

The present aggression of Croatia against the Republic of Serbian Krajina and the crimes of genocide against the civilian population, aimed at setting up an ethnically pure State, are a continuation of the policy Croatia started earlier in this century, whose epitome was the creation of the Nazi Independent State of Croatia during the Second World War, and the genocide committed against over 1 million Serbs.

The data on the crimes committed by the Croatian Nazis in the Second World War have been proven and widely known, and I do not deem it indispensable to point to them on this occasion, too.

In view of the present, extremely dramatic situation, the sufferings of innocent civilians and the immediate threat of their being murdered, as well as the danger that this latest Croatian aggression put in jeopardy all the efforts towards peace which have been under way, I am addressing you, Mr. Lasso, with a request that, within your competencies, you undertake the indispensable measures conducive to the cessation of massive human rights violations, as well as the violation of international humanitarian law in the territory of Western Slavonia.

In this connection, we are of the view that the presence of international organizations' representatives in charge of the protection of human rights could contribute to overcoming the present situation and to halting the perpetration of crimes.

I am confident that your personal presence on the spot or the presence of your envoy would influence the Croatian authorities to cease committing this genocide against the Serbian population and to observe its earlier undertaken international commitments.

(Signed): Dr. Vladimir PAVIĆEVIĆ
Ambassador